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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,754	08/30/2001	Paul Bernell Finley JR.	AUS9-2001-0341-US1	9950

7590 05/05/2004

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EXAMINER

LEWIS, ADAM M

ART UNIT	PAPER NUMBER
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2174

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DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

P26

Office Action Summary

Application No.

09/942,754

Applicant(s)

FINLEY ET AL.

Examiner

Adam M. Lewis

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6, 9-15, 18-24, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al. ("Smith," US# 6,594,673).

As per independent claim 1, Smith teaches a computer controlled user interactive display system, a display interface implementation for enabling an interactive user to modify selected items on a display screen crowded with normally modifiable items comprising:

means for modifying said normally modifiable items (Smith, Fig. 10; col. 11, lines 3-9);

means for rendering a set of said items unmodifiable (Smith, col. 10, lines 49-51);
and

means for enabling the modifying of a selected item in said set of unmodifiable items (Smith, Fig. 10; col. 11, lines 3-9).

Independent claims 10 and 19 are similar in scope to claim 1, and are therefore rejected under similar rationale.

As per claim 2, which is dependent on claim 1, Smith teaches the computer controlled user interactive display system of claim 1 wherein said normally modifiable items are icons (Smith, Figs. 2-7, 10).

Dependent claims 11 and 20 are similar in scope to claim 2, and are therefore rejected under similar rationale.

As per claim 3, which is dependent on claim 2, Smith teaches the computer controlled user interactive display system of claim 2 wherein said set of unmodifiable icons is a cluster of adjacent icons (Smith, Figs. 2-7, 10).

Dependent claims 12 and 21 are similar in scope to claim 3, and are therefore rejected under similar rationale.

As per claim 4, which is dependent on claim 3, Smith teaches the computer controlled user interactive display system of claim 3 wherein said means for enabling the modifying of a selected icon in said set includes means for pointing to said selected icon (Smith, col. 3, lines 64-66).

Dependent claims 13 and 22 are similar in scope to claim 4, and are therefore rejected under similar rationale.

As per claim 5, which is dependent on claim 4, Smith teaches the computer controlled user interactive display system of claim 4 wherein said means for modifying moves said icon (Smith, col. 10, lines 54-57).

Dependent claims 14 and 23 are similar in scope to claim 5, and are therefore rejected under similar rationale.

As per claim 6, which is dependent on claim 4, Smith teaches the computer controlled user interactive display system of claim 4 wherein said means for modifying resizes said icon (Smith, col. 11, lines 3-9).

Dependent claims 15 and 24 are similar in scope to claim 6, and are therefore rejected under similar rationale.

As per claim 9, which is dependent on claim 3, Smith teaches the computer controlled user interactive display system of claim 3 further including means for rendering said set of icons to normally modifiable after said selected icon has been modified (inherent in Smith, Fig. 10; col. 11, lines 3-9).

Dependent claims 18 and 27 are similar in scope to claim 9, and are therefore rejected under similar rationale.

Claim Rejections - 35 USC § 103

3. Claims 7-8, 16-17, and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith.

As per claim 7, which is dependent on claim 4, Smith does not specifically teach the computer controlled user interactive display system of claim 4 wherein said means for rendering said set of a cluster of icons unmodifiable includes means for circumscribing said cluster of icons.

However, Smith does provide a figure (Fig. 10) in which a subset of an earlier shown group of icons (Fig. 5) is in the process of being modified. While Smith does not disclose the specific method to select the subset, OFFICIAL NOTICE is given that

circumscribing a group of items on a graphical user interface is well known in the art. Therefore it would have been obvious to use the method of circumscribing a group of icons in the icon modification system of Smith because it would allow an easy and efficient way for the user to select a group of icons.

Dependent claims 16 and 25 are similar in scope to claim 7, and are therefore rejected under similar rationale.

As per claim 8, which is dependent on claim 7, Smith further teaches the computer controlled user interactive display system of claim 7 wherein said means for circumscribing said cluster of icons includes pointing means (Smith, col. 3, lines 64-66).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sanchez-Frank et al. (US# 5,394,522) teaches selecting and locating graphical icon objects to define and configure the workstations in data processing networks.

Gough et al. (US# 5,603,053) teaches a system for entering data into an active application currently running in the foreground by selecting an input icon in a palette representing input utility.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam M. Lewis whose telephone number is 703-305-0720. The examiner can normally be reached on M-Th 7:00-4:30, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on 703-308-0640. The fax phone

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Kristine Kincaid
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